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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,019	01/14/2004	Samuel Eak Hua Nguy	42973-0100	3292

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EXAMINER	
AMINZAY, SHAIMA Q	
ART UNIT	**PAPER NUMBER**
2618	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/757,019	NGUY ET AL.	
	Examiner	Art Unit	
	Shaima Q. Aminzay	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *28-31 and 34-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-31 and 34-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections – 35 USC § 102

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action: in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 28-32, and 34-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gavette (Gavette, US Patent No. 6, 321,095) in view of Walsh (Walsh et al., US Patent No. 6,144,848).

Regarding claim 28, Gavette discloses a *[half-duplex]* communication device identified by an initiator identification code *(see for example, Figures 1-6, column 1, lines 4-6, lines 17-22, column 2, lines 14-36, column 3, lines 53-67 continued to column 4, lines 1-4, column 7, lines 1-12, lines 61-67 continued to column 8, lines 1-2, and lines 59-67 continued to column 9, lines 1-25, column 18, lines 53-67, column 20, lines 13-28, identifying communication device by initiating ID)* comprising: a control device to receive an identification code stored in memory *(see for example, column 5, lines 6-67, column 7, lines 57-67 continued to column 8, lines 1-2, lines 59-67, column 16, lines 1-14, column 18, lines 44-67,*

column 20, lines 13-28, , column 21, lines 1-5, control device (processor) and received stored identification), transmit the initiator identification code and the identification code directly to a transceiver identified by a transceiver identification code without the use of an intermediate network *(see for example, column 1, lines 17-22, column 3, lines 53-61, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28, column 21, lines 1-5, without the use of network, the initiator identification transmitted and transceiver identifying)*, and receive acknowledgment information in response to the transceiver determining that the identification code matches the transceiver identification code *(see for example, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28, column 21, lines 1-5, initiator identification transmitted and transceiver identifying).*

Gavette does not specifically teach "half-duplex", however, Gavette teaches the two-way communication *(see for example, column 1, lines 17-22, column 3, lines 53-61, the two-way communication is considered "half-duplex" communication).*

In a related art dealing with half-duplex communications, Walsh teaches half-duplex *(see for example, column 36, lines 34-39, column 39, line 32, lines 42-53)*

It would have been obvious to one of ordinary skill in the art at the time invention was made to have included Walsh's half-duplex into Gavette's two-way communication system with "services such as call waiting, caller ID and third party calling" *(*Gavette, *see for example, column 21, lines 3-13)* and to provide half-duplex or full-duplex mode telecommunications capable of initiating

maintenance session or security check under normal conditions connecting to host computer server (Walsh, *see for example, column 39, lines 42-50, column3, lines 29-39).*

Regarding claim 40, Gavette discloses a communication device identified by an initiator identification code *(see for example, Figures 1-6, column 1, lines 4-6, column 2, lines 14-36, column 3, lines 53-67 continued to column 4, lines 1-4, column 7, lines 1-12, lines 61-67 continued to column 8, lines 1-2, and lines 59-67 continued to column 9, lines 1-25, column 18, lines 53-67, column 20, lines 13-28, identifying communication device by initiating ID)* comprising: a processor to receive an identification code stored in memory *(see for example, column 5, lines 6-67, column 7, lines 57-67 continued to column 8, lines 1-2, lines 59-67, column 16, lines 1-14, column 18, lines 44-67, column 20, lines 13-28, , column 21, lines 1-5, control device (processor) and received stored identification)*, automatically scan a plurality of channels for an available primary *[channel not used for]* telephone communication *(see for example, column 5, lines 43-67 continued to column 6, lines 1-5, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28)*, and transmit via the available primary channel the initiator identification code and the identification code to at least one transceiver identified by a transceiver identification code *(see for example, Figures 1-6, column 1, lines 4-6, column 2, lines 14-36, column 3, lines 53-67 continued to column 4, lines 1-4, column 5, lines 43-67 continued*

to column 6, lines 1-5, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28).

Gavette does not specifically teach channel not used for telephone communication. , however, Gavette teaches the communication channels *(see for example, column 4, lines 30-45).*

In a related art dealing with telecommunications, Walsh teaches channel not used for telephone communication *(see for example, column 7, lines 50-65).*

It would have been obvious to one of ordinary skill in the art at the time invention was made to have included Walsh's scanning telecommunication channels into Gavette's telecommunication system with "services such as call waiting, caller ID and third party calling" *(*Gavette*, see for example, column 21, lines 3-13)* and to provide half-duplex or full-duplex mode telecommunications capable scanning channels, initiating maintenance session or security check under normal conditions connecting to host computer server *(*Walsh*, see for example, column 7, lines 50-65, column 39, lines 42-50, column3, lines 29-39).*

Regarding claim 46, Gavette discloses a system to provide *[half-duplex]* communication comprising: for an available channel and transmit *(see for example, Figures 1-6, column 1, lines 4-6, lines 17-22, column 2, lines 14-36, column 3, lines 53-67 continued to column 4, lines 1-4, column 5, lines 43-67 continued to column 6, lines 1-5, column 7, lines 1-12, lines 61-67 continued to column 8, lines 1-2, and lines 59-67 continued to column 9, lines 1-25, column*

18, lines 53-67, column 20, lines 13-28, identifying communication device by initiating ID) using the available channel, the initiator identification code and the identification code stored in memory *(see for example, Figures 1-6, column 1, lines 4-6, column 2, lines 14-36, column 3, lines 53-67 continued to column 4, lines 1-4, column 5, lines 6-67 continued to column 6, lines 1-5, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 16, lines 1-14, column 18, lines 44-67, column 20, lines 13-28, control device (processor) and received stored identification)*; and a recipient transceiver having a recipient identification code and to receive the initiator identification code and the identification code and automatically transmit, using the available channel, the recipient identification code to the initiator transceiver if the identification code matches the recipient identification code *(see for example, column 4, lines 30-45, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28, , column 21, lines 1-5, initiator identification transmitted and transceiver identifying)*.

Gavette does not specifically teach "half-duplex", however, Gavette teaches the two-way communication *(see for example, column 1, lines 17-22, column 3, lines 53-61, the two-way communication is considered "half-duplex" communication)*.

In a related art dealing with half-duplex communications, Walsh teaches half-duplex *(see for example, column 36, lines 34-39, column 39, line 32, lines 42-53)*

It would have been obvious to one of ordinary skill in the art at the time invention was made to have included Walsh's half-duplex into Gavette's two-way

communication system with "services such as call waiting, caller ID and third party calling" *(*Gavette, *see for example, column 21, lines 3-13)* and to provide half-duplex or full-duplex mode telecommunications capable of initiating maintenance session or security check under normal conditions connecting to host computer server *(*Walsh, *see for example, column 39, lines 42-50, column3, lines 29-39).*

Regarding claims 29 and 42, Gavette in view of Walsh teaches all the claimed limitation as recited in claims 28 and 40, and further, Gavette teaches wherein the control device has a direct wireless link to the transceiver without the use of a telephone network *(see for example, Figures 1-6, column 3, lines 53-67 continued to column 4, lines 1-4, column 20, lines 13-16, the controller direct wireless link without network).*

Regarding claim 30, Gavette in view of Walsh teaches all the claimed limitation as recited in claim 28, and further, Gavette teaches wherein the acknowledgement information includes the transceiver identification code *(see for example, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28, column 21, lines 1-5, the transceiver identification).*

Regarding claim 31, Gavette in view of Walsh teaches all the claimed

limitation as recited in claim 28, and further, Gavette teaches wherein the control device automatically scan a plurality of channels for an available channel *(see for example, column 5, lines 43-67 continued to column 6, lines 1-5, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28)*.

Regarding claim 32, Gavette teaches all the claimed limitation as recited in claim 28, and further, Gavette teaches wherein the control device transmits the initiator identification code and the identification code directly to the transceiver without the use of an intermediate network *(see for example, column 3, lines 53-61, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28, column 21, lines 1-5, initiator identification transmitted without the intermediate network (two-way radio) and transceiver identifying)*.

Regarding claim 34, Gavette in view of Walsh teaches all the claimed limitation as recited in claim 28, and further, Gavette teaches wherein the control device receives voice data, scrambles the voice data, and transmits the scrambled voice data to the transceiver *(see for example, column 4, lines 59-64, column 15, lines 24-67 continued to column 16, lines 1-56, column 18, lines 13-27, the received voice data and encryption (scramble) and secure transmission)*.

Regarding claim 35, Gavette in view of Walsh teaches all the claimed limitation as recited in claim 28, and further, Gavette teaches wherein the transceiver descrambles the voice data *(see for example, column 18, lines 13-27, column 15, lines 24-67 continued to column 16, lines 1-56)*.

Regarding claim 36, Gavette in view of Walsh teaches all the claimed limitation as recited in claim 28, and further, Gavette teaches wherein the control device scans the plurality of channels for a signal or interference and designates the available channel as a primary channel *(see for example, column 5, lines 43-67 continued to column 6, lines 1-5, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28)* and another available channel as a standby channel *(see for example, column 7, lines 61-67 continued to column 8, lines 1-2, column 11, lines 3-13)*.

Regarding claim 37, Gavette in view of Walsh teaches all the claimed limitation as recited in claim 36, and further, Gavette teaches wherein the control device creates an available channel table that includes a plurality of channel numbers representing the plurality of channels that did not have the signal or interference *(see for example, Figures 1-6, column 5, lines 43-67 continued to column 6, lines 1-5, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28)*.

Regarding claims 38 and 44, Gavette in view of Walsh teaches all the claimed limitation as recited in claims 28 and 40, and further, Gavette teaches wherein the initiator identification code is selected from a group consisting of a name or a number *(see for example, column 8, lines 59-67 continued to column 9, lines 1-25, initiator and name or number).*

Regarding claims 39 and 45, Gavette in view of Walsh teaches all the claimed limitation as recited in claims 28 and 40, and further, Gavette teaches wherein the transceiver identification code is selected from a group consisting of a name or a number *(see for example, column 8, lines 59-67 continued to column 9, lines 1-25, transceiver name or number).*

Regarding claim 41, Gavette in view of Walsh teaches all the claimed limitation as recited in claim 40, and further, Gavette teaches wherein the processor automatically scans the plurality of channels for an available secondary channel *(see for example, column 5, lines 43-67 continued to column 6, lines 1-5, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28* and receives via the available secondary channel the transceiver identification code *(see for example, column 5, lines 43-67 continued to column 6, lines 1-5, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28).*

Regarding claim 43, Gavette in view of Walsh teaches all the claimed limitation as recited in claim 40, and further, Gavette teaches wherein the processor receives the transceiver identification code in response to the at least one transceiver determining that the identification code matches its transceiver identification code *(see for example, Figures 1-6, column 1, lines 4-6, column 2, lines 14-36, column 3, lines 53-67 continued to column 4, lines 1-4, column 5, lines 43-67 continued to column 6, lines 1-5, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28)*.

Regarding claim 47, Gavette in view of Walsh teach all the claimed limitation as recited in claim 46, and further, Gavette teaches wherein the initiator transceiver has a direct wireless link to the recipient transceiver without the use of a telephone network *(see for example, Figures 1-6, column 3, lines 53-67 continued to column 4, lines 1-4, column 20, lines 13-16, the controller direct wireless link without network)*.

Regarding claim 48, Gavette in view of Walsh teach all the claimed limitation as recited in claim 46, and further, Gavette teaches wherein the initiator transceiver transmits the initiator identification code and the recipient identification code directly to the recipient transceiver without the use of an intermediate network *(see for example, column 3, lines 53-61, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines*

13-28, column 21, lines 1-5, initiator identification transmitted without the intermediate network (two-way radio) and transceiver identifying).

Regarding claim 49, Gavette in view of Walsh teach all the claimed limitation as recited in claim 46, and further, Walsh teaches wherein the initiator transceiver and the recipient transceiver operate using half-duplex communication *(see for example, column 36, lines 34-39, column 39, line 32, lines 42-53).*

Regarding claim 50, Gavette in view of Walsh teach all the claimed limitation as recited in claim 46, and further, Gavette teaches wherein the initiator transceiver and the recipient transceiver include a scrambler for encoding voice data and a descrambler for decoding voice data *(see for example, column 4, lines 59-64, column 15, lines 24-67 continued to column 16, lines 1-56, column 18, lines 13-27, the received voice data and encryption (scramble) and secure transmission).*

Regarding claim 51, Gavette in view of Walsh teach all the claimed limitation as recited in claim 46, and further, Gavette teaches wherein the initiator transceiver automatically scans the plurality of channels for a signal or interference and designates the available channel as a primary channel *(see for example, column 5, lines 43-67 continued to column 6, lines 1-5, column 7, lines*

61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28) and another available channel as a standby channel *(see for example, column 7, lines 61-67 continued to column 8, lines 1-2, column 11, lines 3-13).*

Regarding claim 52, Gavette in view of Walsh teach all the claimed limitation as recited in claim 46, and further, Gavette teaches wherein the initiator transceiver creates an available channel table that includes a plurality of channel numbers representing the plurality of channels that did not have the signal or interference *(see for example, Figures 1-6, column 5, lines 43-67 continued to column 6, lines 1-5, column 7, lines 61-67 continued to column 8, lines 1-2, column 18, lines 44-67, column 20, lines 13-28).*

Regarding claim 53, Gavette in view of Walsh teach all the claimed limitation as recited in claim 46, and further, Gavette teaches wherein the initiator identification code is selected from a group consisting of a name or a number *(see for example, column 8, lines 59-67 continued to column 9, lines 1-25, initiator and name or number).*

Regarding claim 54, Gavette in view of Walsh teach all the claimed limitation as recited in claim 46, and further, Gavette teaches wherein the transceiver identification code is selected from a group consisting of a name or a number *(see for example, column 8, lines 59-67 continued to column 9, lines 1-25,*

transceiver name or number).

Conclusion

The prior art made of record considered pertinent to applicant's disclosure, see PTO-892 form.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shaima Q. Aminzay
(Examiner)
June 26, 2006

Nay A. Maung
(SPE)

NICK CORSARO
PRIMARY EXAMINER